

REMARKS

In the non-final Office Action mailed on June 9, 2004, the Examiner rejected claims 1-6, 10, 12-14, 23, 24, and 27-35 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,497,801 to Woodruff et al. ("Woodruff") and U.S. Patent No. 4,828,654 to Reed ("Reed"); and indicated that claims 7-9, 11, 25-26, and 36 would be allowable if rewritten in independent form. For the reasons discussed in detail below, applicants submit that each of the pending claims 1-14 and 23-40 are in condition for allowance.

Applicants wish to thank the Examiner for his indication that claims 7-9, 11, 25, 26, and 36 are allowable. The Examiner rejected the remaining claims under 35 U.S.C. § 103(a) over Woodruff and Reed. This rejection under 35 U.S.C. § 103(a) is improper in view of the exception established by 35 U.S.C. § 103(c):

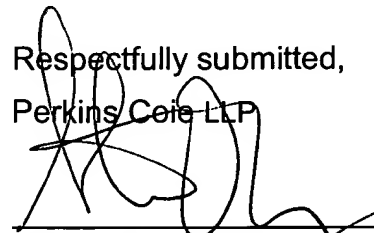
Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of Section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

At the time the invention of the present application was made, (1) the present application was subject to an obligation of assignment to Semitool, Inc.; and (2) Woodruff was owned by Semitool, Inc. (assignment recorded at reel 009504, frame 0417). Accordingly, the exception of 35 U.S.C. § 103(c) applies, and the rejection under 35 U.S.C. § 103(a) is improper. For this reason, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

In view of the foregoing, all of the pending claims are in condition for allowance. A prompt Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite examination of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Respectfully submitted,
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Date: 9/8/2004


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